

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FREDERICA HALL CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

Civil Action File No.:

AMERICAN SOUTHERN HOME
INSURANCE COMPANY a/k/a
AMERICAN ALTERNATIVE
INSURANCE CORPORATION, a
foreign corporation,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant American Alternative Insurance Corporation (“AAIC”) removes the above-captioned lawsuit from the Superior Court of Fulton County, Georgia, Civil Action No. 2023CV375199 in which it is currently pending, to the United States District Court for the Northern District of Georgia, Atlanta Division. As grounds for removal of this case, AAIC states as follows:

1. On January 20, 2023, Plaintiff Frederica Hall Condominium Association, Inc. (“Frederica Hall”) filed the above-captioned lawsuit in the Superior Court of Fulton County, Georgia.

2. On January 25, 2023, AAIC was served with a copy of the Complaint.

3. Service upon AAIC was the first time AAIC was made aware of this lawsuit.

4. This Notice of Removal is filed in a timely and proper manner pursuant to 28 U.S.C. § 1446(b) as it is being filed within thirty (30) days of January 25, 2023, the date that AAIC was served with the Complaint.

5. This civil action is one over which this Court has original jurisdiction under 28 U.S.C. § 1332 and which may be removed to this Court under 28 U.S.C. §§ 1441 and 1446. This is a civil action in which the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is an action between citizens of different states.

6. All pleadings in the Fulton County Superior Court action are attached hereto as **Exhibit “A”**.

7. Frederica Hall alleges that it is an entity located in Fulton County, Georgia. (*See* Ex. A, Compl. ¶ 1.)

8. AAIC is and was at the time of the filing of this lawsuit a corporation

under the laws of the State of Delaware with its principal place of business in the State of New Jersey.

9. Accordingly, there is complete diversity of citizenship between Frederica Hall, on the one hand, and AAIC, on the other.

10. In the instant litigation, Frederica Hall seeks damages for AAIC's alleged failure to pay a claim under Policy No. CAU509839-3 (the "Policy") arising from a wind/hail event occurring on or about April 24, 2021.

11. Frederica Hall asserts that on October 11, 2022, Frederica Hall, through counsel, made a demand to AAIC in the amount of \$335,789.36 less previous payments, depreciation, and the applicable deductible for the alleged property damage caused by a April 24, 2021 wind/hail event (the "Demand"). (*Id.* at ¶ 17.)

12. Frederica Hall asserts a breach of contract claim against AAIC based on the Policy and AAIC's alleged failure to pay the full amount of the Demand. (*Id.* at ¶¶ 23-31.)

13. Frederica Hall also asserts a bad faith claim under O.C.G.A. § 33-4-6, which if successful could potentially allow Frederica Hall to recover not only what it claims is covered under the Policy, but also an additional amount of up to 50% of the alleged covered loss, plus reasonable attorney's fees incurred in

bringing this case (*Id.* at ¶¶ 32-40.)

14. Thus, in light of Frederica Hall's \$335,789.36 demand and Frederica Hall's claims for breach of contract and bad faith, the amount in controversy in this lawsuit exceeds \$75,000, exclusive of interest and costs.

15. A copy of this Notice of Removal is being filed with the Superior Court of Fulton County and has been served upon Frederica Hall.

16. The United States District Court for the Northern District of Georgia, Atlanta Division, is the federal judicial district encompassing the Superior Court of Fulton County, Georgia, where Frederica Hall originally filed this suit such that this is the proper federal district for removal of this case to federal court under 28 U.S.C. § 1441(a) and § 90(a)(2).

17. AAIC does not waive any jurisdictional or other defenses that might be available.

18. AAIC reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, AAIC removes this action from the Superior Court of Fulton County to this Court.

Respectfully submitted this 24th day of February, 2023.

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